

UNITED STATES DISTRICT COURT

for the

Western District of MichiganSouthern Division**FILED - GR**

March 11, 2025 1:21 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: KB SCANNED BY: JW /3-11Nathan Stevens

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Tom Elsmar
Christopher Hayward
Sam Carlsen

-v-

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

1:25-cv-271
Jane M. Beckering
U.S. District Judge

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Nathan Share Stevens
 Address 227 Rep Ave
Kalamazoo MI 49048
City State Zip Code
 County Kalamazoo
 Telephone Number 305-850-1751
 E-Mail Address Donyu22@icloud.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Sam Carlsen
 Job or Title (if known) Detective paw paw police Dept.
 Address 113 E. Berrien St.
paw paw MI 49078
City State Zip Code
 County Van Buren
 Telephone Number _____
 E-Mail Address (if known) _____

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Chris Hayward
 Job or Title (if known) Detective ; Michigan State Police
 Address 413255 60th Ave
paw paw MI 49079
City State Zip Code
 County Van Buren
 Telephone Number _____
 E-Mail Address (if known) _____

☒ Individual capacity ☒ Official capacity

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Tom Elsmann

owner of Sportsman's Bar & Grill

126 E. Michigan Ave

Paw Paw

City

MI

State

49074

Zip Code

Van Buren



Individual capacity



Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

City

State

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

5th, 14th, 13th, 8th Amendment (Sec attached)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

11. B. 42 U.S.C. 1983

Fifth Amendment – Right Against Self-Incrimination & Due Process

- While on **house arrest for nearly a year**, I was **prohibited from discussing my case**, which effectively silenced me and prevented me from seeking therapy or professional support for the trauma I endured.
- I was **wrongfully charged with two counts of attempted murder**, despite being the victim of an attack, and was subjected to a legal process that **denied me fundamental fairness**.
- The government's actions violated my **right to due process**, as I was arrested and held for 197 days despite the clear facts of my case proving my innocence.

Fourteenth Amendment – Equal Protection & Due Process

- I was **targeted, charged, and incarcerated** despite being the victim of an attempted murder. Meanwhile, **none of the individuals who attacked me were ever charged**, demonstrating an **unequal application of the law** in violation of the **Equal Protection Clause**.
- My **due process rights** were further violated when I was **denied necessary medical care in jail**, leading to additional surgeries that could have been avoided.
- The prolonged separation from my children (697 days from my firstborn and 11 months from my younger two children) caused **irreparable harm to my family**, further violating my fundamental rights.

Eighth Amendment – Cruel and Unusual Punishment

- During my **197-day incarceration**, I was **denied critical medical treatment**, causing unnecessary suffering, prolonged pain, and medical complications that **left me permanently disabled**.
- This deliberate **denial of adequate medical care** constitutes **cruel and unusual punishment**, as I was left to endure severe pain and worsening health conditions while in custody.

Thirteenth Amendment – Unlawful Forced Labor & Involuntary Servitude

- While incarcerated, I was **forced to endure suffering without just cause**, essentially being **punished and restrained unlawfully** for a crime I did not commit.
- The fact that I was **wrongfully charged, jailed, and restricted for nearly two years**—while my attackers faced no legal consequences—constitutes **a form of involuntary servitude and oppression** that the Thirteenth Amendment was designed to prevent.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

5th,

See attached

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

126 E. Michigan Ave, Paw Paw, MI 49079

"Sportsmans Veranda pub & grille"

- B. What date and approximate time did the events giving rise to your claim(s) occur?

11:43 pm April 16th, 2022; ongoing

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

There was a group of individuals who set me up to get killed.

I was one of several victims of a shooting.

I sustained 11 (Eleven) gunshot wounds, resulting in a stay in the ICU/Hospital for several months on life support. I was restrained from behind while another individual (Eric Deryke) shot me in a back alley after I was forced into an area that was closed off from all but likely one camera. I was charged with the crimes that happened to me. Ultimately on 3-11-23 the charges were dismissed against me. The Detective Sam Carlen (Paw Paw PD) Did not get subpoena for cameras; admitted on record. (see attached)

IIIC. Facts

~~I am requesting that the court award me \$10 million in actual and punitive damages for the harm I suffered as a result of an attempt on my life and the wrongful prosecution that followed.~~

I was shot nine times by Eric Deryke after he, Ryan Johnson, Michael Severino, Lindsey Hamlet, and John Porter Jr. conspired to lure me outside the back alley of a restaurant. Once outside, they ran toward me with a firearm. John Porter Jr. restrained me from behind while Ryan Johnson pointed me out to Michael Severino, who then alerted Eric Deryke.

While being held in a headlock, I was shot multiple times. I returned fire, striking Eric Deryke once. After the shooting, Michael Severino approached me while I was on the ground, stomped on my head, and called me a racial slur. Lindsey Hamlet then escorted Michael Severino and Eric Deryke to the hospital.

Despite being the victim of this attack, I was wrongfully charged with two counts of attempted murder. I was jailed for six months, placed on house arrest for a year, and prohibited from discussing my case. Eventually, the charges against me were dismissed, yet none of the individuals involved in attacking me were ever charged.

As a result of this incident, I have suffered severe physical injuries, permanent disability, emotional distress, financial losses, and a loss of personal freedom. I ask the court to grant relief for these damages.

The owner of the establishment;
Tom Elsmann; Despite his awareness told
Police he didn't know the number to
call. The Bartender John Porter Jr. was
told I was to be kicked out. where I
was shoved out aggressively and then attacked
There was a video showing this was
Self Defense; from Day one.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

see attached

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

see attached

V. Relief

I am requesting that the court award me \$10 million in actual and punitive damages for the harm I suffered as a result of an attempt on my life and the wrongful prosecution that followed.

I was shot nine times by Eric Deryke after he, Ryan Johnson, Michael Severino, Lindsey Hamlet, and John Porter Jr. conspired to lure me outside the back alley of a restaurant. Once outside, they ran toward me with a firearm. John Porter Jr. restrained me from behind while Ryan Johnson pointed me out to Michael Severino, who then alerted Eric Deryke.

While being held in a headlock, I was shot multiple times. I returned fire, striking Eric Deryke once. After the shooting, Michael Severino approached me while I was on the ground, stomped on my head, and called me a racial slur. Lindsey Hamlet then escorted Michael Severino and Eric Deryke to the hospital.

Despite being the victim of this attack, I was wrongfully charged with two counts of attempted murder. I was jailed for six months, placed on house arrest for a year, and prohibited from discussing my case. Eventually, the charges against me were dismissed, yet none of the individuals involved in attacking me were ever charged.

As a result of this incident, I have suffered severe physical injuries, permanent disability, emotional distress, financial losses, and a loss of personal freedom. I ask the court to grant relief for these damages.

As a result of the attack, I sustained **11 gunshot wounds**, which led to a **three-month hospital stay**, during which I was placed on **life support** and in a **coma**.

On **August 26, 2022**, I was **arrested and incarcerated in Van Buren County Jail for 197 days**, where I was **denied necessary medical procedures** related to my injuries. After being released on bond on **March 13, 2023**, I sought medical attention, and my doctor determined that **the lack of proper medical care during incarceration directly caused the need for additional surgeries**—surgeries that could have been avoided with appropriate treatment.

I am now **permanently disabled** and have undergone **five invasive surgeries**, including:

- **Complete abdominal reconstruction** (after previously undergoing a **splenectomy**)
- **Left ulnar bone repair**, resulting in **permanent loss of function in my left hand**
- **Left carpal tunnel release surgery**, which did not restore function due to nerve damage
- **Treatment for severe hiatal hernias**, which developed during my incarceration

Additionally, due to nerve damage, I **cannot walk without a cane** and suffer from ongoing medical complications.

From **March 13, 2022, until March 11, 2023**, while on **house arrest**, I was **prohibited from discussing my case**. Because of this restriction, I was unable to **seek therapy or professional help** for the severe trauma I endured from both the shooting and my wrongful incarceration. This has had a significant impact on my mental and emotional well-being.

At the time of the shooting, I had **full custody of my firstborn son**. Due to the false allegations and legal restrictions placed on me, I was unable to see him for **697 days**. This not only **complicated my life significantly** but also **caused serious emotional trauma to my son**, who was suddenly separated from his father without justification. Additionally, I was **unable to see my two younger children for 11 months**, further deepening the emotional and psychological harm caused by this situation.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3-10-25

Signature of Plaintiff

Printed Name of Plaintiff



Nathan Shane Stevens

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address